



CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **May 27, 2025**
Project: **1316 Reed Valley Rd. Height Requirement**
Planner: Brad Spurlock

AGENDA ITEM **PH3, BOZA1**

VARIANCE REQUEST

1316 Reed Valley Rd
Parcel #: 830-38251-000

SUMMARY: The applicant is requesting a variance on the height requirements located at 1316 Reed Valley Rd. Property is located on approximately 14.02 acres

CURRENT ZONING: R-1, (Single-Family Residential)

PROPOSED USE: R-1, (Single-Family Residential)

CITY WARD: 1 – Amber Ibarra and Misty Piazza

INFRASTRUCTURE SERVICE AREAS (not a guarantee of service availability):

Water: Tontitown Water

Sewer: Septic

Electric: Ozarks Electric

Cable: Cox Communications

Phone: AT&T

Natural Gas: Black Hills Energy

School District: Springdale

PROJECT SYNOPSIS:

The owner of the property, Aaron & Ashley Hagan Joint Revocable Trust, Aaron & Ashley Hagan Trustees are requesting a variance on height requirements located at said property to construct a new residence.

153.262 POWERS AND DUTIES

The Board of Zoning Adjustment shall have all the powers and duties prescribed by law and by these regulations, which are more particularly described as follows:

(B) To authorize upon appeal, in specific cases, such variance from the terms of this zoning chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. A variance from the terms of these zoning regulations, shall not be granted by the Board of Zoning Adjustment unless and until:

(1) The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; that literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning regulations to other lands, structures, or buildings in the same district.

STAFF ANALYSIS: The proposed height of the proposed residence on the submitted information does not show any unusual physical limitations to the property.

(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

STAFF ANALYSIS: The existing site use is residential, and the conditions are sufficient grounds to approve the variance request.

(3) The Board of Zoning Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.

STAFF ANALYSIS: The variance the staff has reviewed has determined the height requirement is a minor variance.

(4) The Board of Zoning Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

STAFF ANALYSIS: Granting of this variance request will be in general harmony with the zoning regulations since a height requirement is being adhered to. Granting this variance will not be detrimental to public welfare.

(5) In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.

STAFF ANALYSIS: The granting of this variance will be upheld by the Building Inspection to ensure the residence is not constructed any higher than the requested variance is allotted.

(6) Under no circumstances shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of these zoning regulations in the district involved, or any use expressly, or by implication, prohibited by the terms of these regulations in said district.

STAFF ANALYSIS: Per the Code 153 Appendix B “Minimum Dimension Standards”, R-1 zoning requires a height maximum of 35 feet. The project is calling for a 37-foot height roof for residence.

Streets:

This property is located on Reed Valley Rd.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. One affirmative letter was hand delivered to the city and placed in the packet for review.

STAFF FINDINGS: *Per City Code 153.262, “a literal enforcement of the provisions of the regulations do result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved.” Due to the existing site conditions that are peculiar to the site that include site topography, existing utility and residence location, mature trees and lot size, only one location on the project site can accommodate the desired accessory building/use. Granting this variance would not afford the landowner a special privilege. Granting this variance will not be injurious to neighboring properties.*

STAFF RECOMMENDATIONS:

Although the case of a hardship is minimally stated, staff recommends the approval of the variance request to vary from the required height requirement. The Board of Zoning has final vote.

Figure 1: Vicinity Map



Figure 2: Current Zoning Map

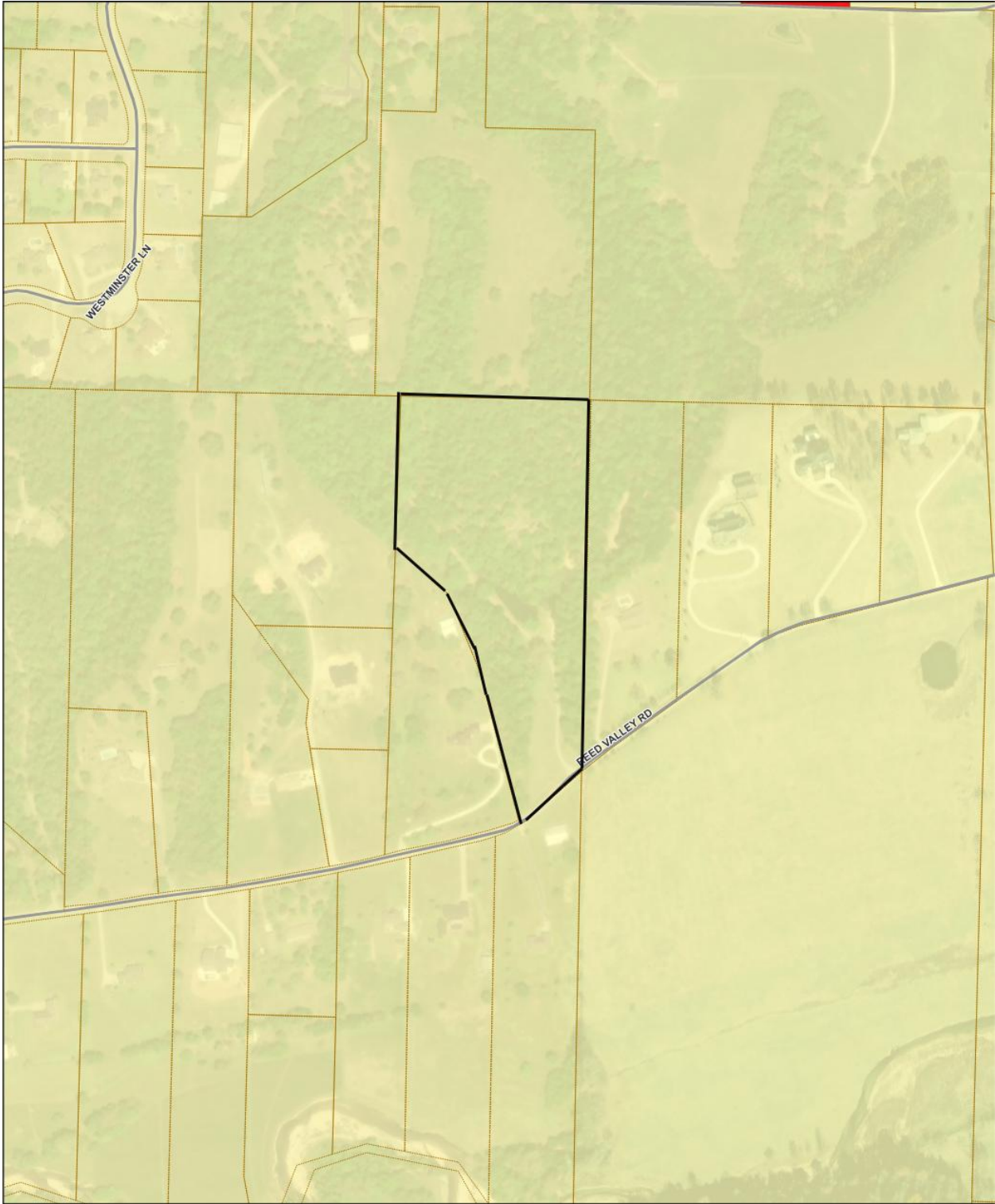


Figure 3: Height requirements

	R-1
Category Names	Single Family Residential - 1 acre minimum lot size
Density	1 unit/acre
Minimum Lot Size	1 acre
Triplex, Quadplex	NP
Duplex	NP
Townhomes (single-family attached)	NP
Multi-Family (5 or more connected units)	NP
Nonresidential uses	1 acre
Max Building height	35'
Max Number of stories	N/A